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Attorneys for Plaintiff, Lawrence Peck, as an individual, for himself, and on behalf of all others similarly situated

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

LAWRENCE J. PECK, an individual and on behalf of all other similarly aggrieved employees,

Case No.: 5:17-cv-1695 MWF
(GJSx)
Assigned to Hon. Michael W.
Fitzgerald

Plaintiff.

[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION
REMANDING ACTION TO STATE
COURT AND AWARDING
ATTORNEYS' FEES

VS

SWIFT TRANSPORTATION CO.
ARIZONA, LLC and DOES 1
through 30, inclusive,

Date: October 16, 2017
Time: 10:00 a. m.
Court: Courtroom 5A

Defendants.

Complaint Filed: Nov. 20, 2014
FAC filed: Dec. 3, 2014
Complaint Removed: Aug. 21, 2017
Trial Date: None

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[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION REMANDING ACTION TO STATE COURT AND AWARDING ATTORNEYS' FEES - 1

1 The Court, having reviewed the moving, opposing and reply papers, and good
2 appearing, hereby rules as follows:

4 Plaintiff's Motion for Order Remanding Removed Action to State Court
5 and Awarding Attorneys' Fees is GRANTED.
6

7 The Court finds it lacks subject matter jurisdiction over this case. This
8 case is hereby remanded back to the Riverside County Superior Court, where it
9 was originally filed.
10

11 The Court further finds that Defendant Swift Transportation Co. of
12 Arizona, LLC and its lawyers (Sheppard, Mullin, Richter & Hampton LLP)
13 lacked a reasonable basis for seeking removal. Therefore, the Court awards
14 reasonable attorney's fees of \$12,750 to reimburse Plaintiff's lawyers (Law
15 Offices of Neal J. Fialkow, Inc.) and to be paid by Defendant Swift
16 Transportation Co. of Arizona, LLC and its lawyers (Sheppard, Mullin,
17 Richter & Hampton LLP).
18
19

20 Dated: September 15, 2017
21

22 BY: _____
23

Hon. Michael W. Fitzgerald
United States District Judge

24 Presented by: LAW OFFICES OF NEAL J. FIALKOW, INC.
25

26 BY: /s/Neal J. Fialkow
27

Neal J. Fialkow
Attorney for Plaintiff, Lawrence Peck
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